

JUDGE NAME: Jean Wright DISTRICT: Western ASSIGNED OFFICE: Erie

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JUDGE'S PROCEDURAL RULES AND POLICIES

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

HEARING PROCEDURES

1. What is the first event and what will occur?

A Pre-Trial Hearing will be scheduled soon after assignment. There will not be a Court Reporter for this event. Testimony will not be taken. We will discuss the issues and develop a plan for the litigation of the Dispute. We will discuss the need for in-person vs virtual hearings, witnesses, evidence concerns and when to schedule mediation. There will not be any testimony at this time.

a. List any documents required at the first event:

Any available evidence should be uploaded prior to the pre-trial so we can discuss it during the call.

b. Should documents be uploaded as Exhibits or Letters to the Judge? Evidence should be uploaded as Exhibits

2. Describe the format of your hearings (e.g., serial, one day – one trial).

I use a modified Serial Hearing approach. We develop a plan and schedule whatever hearings are necessary to present the witnesses. If only one (1) hearing is needed, we will have only one (1) hearing.

3. Are you willing to change the hearing format upon request?

Any suggestions can be discussed. Changes can be made if there is a legitimate need.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

Request of the parties, whether Claimant (or any other witness) are able to join by video, and any other issues that may be presented.

Consideration of In-Person vs Video Hearing requests will be discussed, and a determination will be made as to how to proceed. In-Person hearing requests will always be given preferential treatment, but it might not always be possible to schedule them as the first evidentiary hearing. If a hearing is scheduled and counsel has an objection to the In-Person or Video format, the objection should be made IN WCAIS within 10-days of receipt of the Hearing Notice.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?

I will schedule hearings by Video unless they are scheduled In-Person. Conference calls can be audio only. In emergency circumstances, (last minute internet problems, NOT lack of practice with a witness) I will allow witnesses to testify by audio only so long as there is no objection.

NOTE: Attorneys presenting any witnesses are responsible for ensuring their respective witnesses can connect by VIDEO at the time of the scheduled hearing or mediation. Since TEAMS hearings are scheduled in advance, it is advisable that you practice with your client/witness on the actual scheduled TEAMS meeting in advance of the hearing or mediation.

6. What procedure do you follow if a party fails to appear at a hearing?

I generally send a letter advising a party of the missed hearing. I ask them to advise me within 10-days if they have evidence to present and/or if they want the hearing rescheduled. If I get a response, I proceed as requested. If I do not receive a response, I decide the Dispute without their participation.

7. Do you have special procedures for psychological injury cases?

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

I will accept supersedeas evidence and witness affidavits at the Pre-Trial and consider Supersedeas at that time. Otherwise, Supersedeas will be considered after hearing testimony.

a. Will testimony be heard?

There will not be any testimony taken at the Pre-Trial. I will accept supersedeas evidence and witness affidavits at the Pre-Trial. Testimony will be taken later.

b. Is additional time generally granted to obtain medical evidence?

Yes, subject to any objection by opposing counsel

c. Under what circumstances will you reconsider a supersedeas order?

Request of a party after a hearing, or if I initially said I would reconsider supersedeas at a specific time.

d. Do you generally use written orders for denials?

Yes

e. What is required for employee's counsel to obtain interim fee approval?

A hearing where Claimant's continued wage loss benefits are an issue, and a fee agreement

f. Describe any other procedures for supersedeas hearings:

I consider all evidence presented for supersedeas purposes

g. Describe procedures for special supersedeas hearings, if different:

Same procedures

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

I will generally schedule Claimant's VIDEO testimony first. If there is discussion at the Pre-Trial as to other witnesses or the need for an In-Person hearing, this will be considered in the initial scheduling.

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

I will accept any of the above. I generally allow the parties to present witnesses as they like, subject to any objection by opposing counsel.

3. Under what circumstances will you change your requirements for presentation of testimony?

Upon request, based on need, time, and availability, and subject to any objections.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice?

Yes, so we can allow enough hearing time for the witness' testimony.

If yes, how much notice do you require?

The sooner the better because this information is needed to schedule enough time for the hearing. We also must consider whether an in-person hearing will be needed. For a specific time-limit, I would say at least 60-days before you want to present your witness.

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

Generally based on agreement of the parties. If they do not agree, whomever filed the first petition moves forward first with medical depositions.

6. Do the parties need to upload the Bureau and WCOA documents as exhibits, or will you admit them electronically as Judge exhibits?

I upload the needed (but not always complete) Bureau/WCOA documents as Judge's Exhibits but invite the parties to upload any they deem important.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing?

BEFORE – It's best if they upload available exhibits prior to the Pre-Trial.

If before, how far in advance of the hearing must they be uploaded?

A week would be nice, but at least 2 days before so opposing counsel has the chance to review the exhibits and I have them available to be numbered when I prepare for the hearing.

8. When will you rule on objections to exhibits?

I generally, rule on Exhibits during a hearing. If exhibits are submitted after a hearing and we did not previously discuss them, parties can request a Conference Call for further discussion if the admissibility is not obvious.

9. What is your procedure for handling discovery disputes?

Parties should submit a Request for a Conference Call

10. What is the last day to file written preservations of deposition objections?

When written arguments are filed unless there is an objection from opposing counsel.

COMPROMISE & RELEASE (C&R)

1. Describe your procedures regarding the review of C&R Agreements: I prefer to review in advance so that any issues can be handled before the hearing. I want Fully Executed and Redacted C&R documents uploaded 2 days before the C&R so I can review and prepare for the hearing.

a. Are you willing to allow amendments of existing petitions, or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?

Existing petitions may be amended

b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?

A draft of the C&R Agreement is not required but can be helpful.

c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?

The signed C&R Agreement with attachments (litigation costs, fee agreement, CMS approval) is to be uploaded 48-hours before the hearing.

d. Should child support documents be uploaded as a separate exhibit?

Yes, Separate exhibit

e. Should Social Security numbers, birth dates, and other confidential information be redacted from the C&R Agreement and Act 109 documents?

Yes

f. Will you sign bench orders?

I will, but they are not needed since the C&R decision is usually circulated withing 24 hours.

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

If the parties resolve all or part of a Dispute by Stipulation, the signature of both attorneys and Claimant are required on the Stipulation. The Stipulation should be uploaded as an Exhibit, and I will admit it as a Joint Exhibit. If it fully resolves a Dispute, the parties should submit a Request outlining how the dispute impacts the petitions (withdraw, grant, dismiss) and I will issue an order with the Stipulation attached. If it resolves only an issue in the Dispute, I will reference the Stipulation in the final decision.

2. Should the fee agreement be part of the stipulation or separate exhibit?

Yes, Separate Exhibit

3. Should child support documents be uploaded as a separate exhibit?

Yes, Separate Exhibit

4. What other exhibits should be uploaded (i.e., medical bills, etc.)?

If the Stipulation involves the payment of specific medical bills, those bills should be uploaded as an exhibit.

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?

Separate Exhibits

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

Social Security numbers and personal information should be redacted before the exhibit is uploaded into WCAIS.

7. Describe any other procedures you have for stipulations:

None

BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required?

Final Hearings are NOT required. I will provide a closing date for all evidence and closing arguments and generally provide an IO specifying that date.

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

If I set a closing date and it passes without a Request to extend the time, I will usually send one (1) reminder letter and then Dispute will close without further reminder.

- 3. Describe any preferences regarding the format and content of final submissions:**

All that is needed is a short argument highlighting why I should accept your position over the opposing position. However, I will accept whatever format counsel prefers to present.

MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:**

Erie, Crawford, Mercer, Warren, Potter, McKane

- 2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

Mediations will be scheduled by Video unless there is a request for an in-person mediation.

- 3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

If Claimant is not able to connect by Video, an in-person Mediation is preferred, but not required. I will NOT cancel Mediation if Claimant has trouble connecting by Video and needs to participate by audio only.

- 4. Are you willing to allow counsel or a party to participate virtually for an in-person mandatory mediation? If so, under what circumstances?**

For Mediations, I will allow a hybrid situation. However, if Claimant is in-person, Claimant's counsel is required to be in-person. Opposing counsel may be virtual, but in-person would be preferred.

- 5. Do you require a Mediation Statement?**

Yes

If yes:

- a. What information do you require in that Statement?**

Overview of the issues as you see them, how you value the case and how you want to proceed in settlement

- b. What documents, if any, must accompany the Statement?**

Anything parties think important for me to review

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

2-days

6. If there is a request to postpone a mandatory mediation, will it be rescheduled?

Yes, if rescheduling is requested. **A re-scheduled mediation will not prevent the assigned judge from requiring that the litigation proceed as scheduled.

If so, how long until it is rescheduled?

The rescheduling depends on request of the parties, why they want mediation rescheduled, and how it fits into individual calendars.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes, if needed. Sometimes all that is needed is a follow-up conference call.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

Cancellation should be requested at least three (3) weeks in advance. Since we schedule mediations after discussion with counsel regarding schedule availability, there should not be much need to postpone. If necessary, the earlier the request is made the better so that the mediation slot can be used by someone else.

9. What else should the parties know or do before the mediation?

Requests for postponement will be closely scrutinized. I will make a determination as to whether to postpone based on the reasons given. Counsel saying the Mediation is futile is not an adequate reason.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes

2. How should the parties request a Voluntary Mediation?

Through the Voluntary Mediation Request tab in WCAIS

3. List the locations where you conduct in-person voluntary mediations:

Generally, in the Erie Office for in-person mediations, but will consider other venues if needed.

4. Will you conduct virtual voluntary mediations?

If yes, for which WCOA Districts will you conduct them?

Yes, for any office

5. Do you mediate Disputes assigned to you for hearing and decision?

No

6. Do you mediate Disputes in which one or both parties are unrepresented?

If yes, describe any special procedures you have for such cases:

Yes. I do not generally require a Mediation Statement from an unrepresented party.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?

Request of the parties and whether Claimant can join by Video.

8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?

Video is always preferred. If Claimant is unable to join by video, then in-person mediation is preferred, but not required.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?

If the event is scheduled in-person, all parties are to participate in-person but permission may be granted in extraordinary circumstances.

10. Do you require a Mediation Statement? Yes

If yes:

a. What information do you require in that Statement?

Overview of the issues as you see them, how you value the case and how you want to proceed in settlement

b. What documents, if any, must accompany the Statement?

Anything the parties want me to review.

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

2-days

11. After you approve a Voluntary Mediation Request, how long until it is scheduled?

Depends on the schedule of the parties. We will schedule as quickly as possible.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes, but if the Dispute is in litigation, the assigned Judge might not halt the litigation schedule for multiple mediations.

13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?

The mediating Judge

14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

3-weeks. Since we schedule mediations after discussion with counsel regarding schedules and availability, there should not be much need to postpone. If necessary, the earlier the request is made the better so that the mediation slot can be used by someone else.

15. What else should the parties know or do before the mediation?

Requests for postponement will be closely scrutinized. I do not always approve cancellations.

REQUESTS/MISCELLANEOUS

1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

MOST IMPORTANTLY - PLEASE BE SURE YOU ARE USING THE CORRECT "REQUEST" TYPE

Beyond that I only ask that you be considerate of others and make your Requests as early as you can and not wait until the last minute.

2. Under what circumstances do you conduct off the record conference calls?

Liberally as the need arises. I don't believe I have ever denied a Request for a Conference Call so long as opposing counsel's position was noted.

3. Under what conditions/circumstances do you accept e-mails from parties?

I do not generally conduct business by email. I accepted emails during quarantine, but even then, it was infrequent.

4. Do you adhere strictly to the duration listed for a Hearing or Mediation?

I usually do unless I know that allowing additional time will not impact someone else who is waiting for their hearing. The attorneys often have to finish on time in order to start a new event with a different Judge. .

5. What is the best way to contact you in an emergency?

Through my Assistant

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

The Erie office is usually open no matter what the weather. However, my policy for others who are traveling is that if you think it is unsafe to drive, I will not expect you to drive. We will try to accommodate whatever the weather presents as best we can.

Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.